

EPA, with concurrence of the State of North Carolina, has determined that all appropriate Fund-financed response under CERCLA for the Unit Structures Subsite have been completed, and that no further activities by responsible parties are appropriate. Therefore, EPA proposes to delete this Subsite from the NPL.

Dated: April 30, 1997.

Michael V. Peyton,

*Acting Deputy Regional Administrator,
Region 4, U.S. Environmental Protection
Agency.*

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5845-5]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Agate Lake Scrap Yard Site from the National Priorities List; request for comments.

SUMMARY: The United States Environmental Protection Agency (EPA) Region V announces its intent to delete the Agate Lake Scrap Yard Site (the Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by EPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State of Minnesota, has determined that no further response is appropriate. Moreover, EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before July 23, 1997.

ADDRESSES: Comments may be mailed to Gladys Beard, Associate Remedial Project Manager, Superfund Division,

U.S. EPA, Region V, 77 W. Jackson Blvd. (SR-6J), Chicago, IL 60604.

Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: Brainerd Public Library, 416 South 5th South Street, Brainerd, MN 56401. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT:

Gladys Beard (SR-6J), Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253 or Cheryl L. Allen (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-6196.

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I. Introduction

The U.S. Environmental Protection Agency, Region V announces its intent to delete the Agate Lake Scrap Yard Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Potentially Responsible Parties or the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the Site warrant such action.

The EPA will accept comments on this proposal for thirty (30) days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the Site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any

individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete Sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in section 300.425(e) has been met, EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** document, and a concurrent document in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the Federal Register.

IV. Basis for Intended Site Deletion

The Agate Lake Scrap Yard Site is located in Fairview Township, Cass County, Minnesota, on the southwest shore of Agate Lake. Agate Lake is an estimated one half mile west of Gull

Lake, which is located approximately 15 miles northwest of the city of Brainerd.

The Site is approximately eight acres in size, and is located on land surrounded on three sides by either open water or wetlands. This peninsular land, which rises approximately ten feet above the surrounding water level, is composed of sandy glacial deposits, which extend to a depth of 200 feet or more. There are thin lenses of gravel and clay interspersed in the top 100 feet of the soil profile.

In 1952, Mr. Paul Kramer established a scrap yard on the farmland owned by his mother which consisted of buying and selling scrap yard materials such as white goods, scrap iron and metal and used cars. During the 1970's the scrap included drums of solvents and various oils, along with a large number of transformers of which the oils were used in a smelter and a homemade burner. In the smelter, he recovered aluminum and lead by melting and pouring these molten metals into molds. He also recovered copper by burning the insulation off copper wire. The scrap yard was operated until the end of 1982. The Minnesota Pollution Control Agency (MPCA) staff ordered Mr. Kramer to cease moving, draining or burning any oils, transformers, transformer cases, drums, ashes or soil, until all necessary testing for polychlorinated biphenyls (PCBs) had been completed.

According to Mr. Kramer, he obtained the pole-mounted transformers from the Crow Wing Cooperative Power and Light Company (Crow Wing Coop) in Brainerd, and the large transformers from the Burlington Northern Railroad Company (BNRR), also of Brainerd.

The Site was proposed for the Federal National Priorities (NPL) on October 15, 1984. The listing was finalized on June 10, 1986.

In January 1983, BNRR removed from the Site part of the transformers including oils and drums attributed to BNRR. Also in 1983, Crow Wing Coop hired a contractor to remove the remaining transformers from the Site, and to clean up the Agate Lake Site. Approximately six inches of topsoil were removed in the areas where the transformers had been located around the smelter and burner, and where scrap yard operations had taken place. The removed topsoil was placed in a gully on the property, identified as a microbiological cell suggesting that biological degradation of PCBs and oils would occur. Areas where soils had

been removed were back filled with clean topsoil, and then seeded with rye.

In September 1985, MPCA under the Multi-Site Cooperative Agreement with Superfund performed a Remedial Investigation (RI) Feasibility Study (FS) at the Site.

On January 28, 1996, MPCA issued a Request For Response Action (RFRA) to BNRR, Crow Wing Coop and to Mr. Paul Kramer to complete the RI/FS as well as prepare and implement a Response Action Plan (RAP).

In January 1987, the Responsible Parties (RPs), completed the RI and a limited site cleanup by removing large quantities of solid waste and scrap metal. At the request of EPA, additional remedial investigations were undertaken during 1991 and 1992.

Based upon the findings of the RI/FS, the EPA and MPCA recommended the following: removal of 260 tons of lead-contaminated ash, slag and soils; removal of 200 tons of soils contaminated with polychlorinated biphenyls (PCBs); removal of 3 cubic yards of pipe insulation containing asbestos and regular groundwater monitoring of shallow and deep ground water at the Site, as well as a deed restriction that prohibits well installation in the area in which groundwater contamination has been found. The groundwater does not discharge to surface water therefore there is no impact on the surrounding lakes.

In September 1992 and May 1993, the MPCA issued Interim Response Actions (IRAs) to address all the contamination identified in the RI/FS's with the exception of groundwater contamination and deed restrictions.

In January of 1994 a Record of Decision (ROD) was issued to address the remaining cleanup. The remedy selected in the ROD involves the long-term monitoring of the shallow sand aquifer at the Site, by means of existing monitoring wells. The ROD also requires the installment of four additional wells in selected locations and institutes specific deed restrictions to a portion of the property whereby no drinking wells would be allowed to be installed in the area of contaminated groundwater. The long-term monitoring also serves to document the process of natural attenuation which addresses the remaining low levels of perchloroethene (PCE) present in groundwater at the Site.

On March 5, 1997, Environmental Protection Agency Contractors,

Conestoga-Rovers and Associates (CRA), submitted their Annual Report in accordance with the FS dated February 26, 1993. The report stated that in October 1996, analytical results show, only two wells exhibited concentrations of PCE. These wells include observance well OW6 and OW7. Although monitoring OW4 showed PCE concentrations of 4.8 µg/L in April 1996, no detections were present during the October 1996 event. The PCE concentrations at OW6 were 6 µg/L, which is below the Health Risk Limit (HRL) of 7 µg/L. PCE concentrations at OW6 have shown a steady decrease since January 1992, and this is the first time PCE concentrations at OW6 have been below the HRL since a sample round in October 1986 showed no detections. The PCE concentrations at OW7 in October 1997 were 3.6 µg/L. This further supports the conclusion that there is not a significant source of PCE impacting the groundwater and that the effects of natural attenuation has reduced the PCE concentrations.

All activities have been completed at the Site. The final inspection took place on November 30, 1994, during which the several items needed attention. The RPs agreed to complete the items identified. The Final Remedial Completion Report was approved by MPCA on February 2, 1995, thereby initiating Site removal from the NPL. All the HRLs has been met at the entire site, therefore the natural attenuation has provided protection of human health and the environment.

A five-year review pursuant to OSWER Directive 9355.7-02 ("Structure and Components of Five-Year Reviews") will be conducted at the Site. The five-year review is schedule for September 1999.

EPA, with concurrence from the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the Agate Lake Scrap Yard Site have been completed, and no further CERCLA response actions are appropriate in order to provide protection of human health and environment. Therefore, EPA proposes to delete the Site from the NPL.

Dated: June 12, 1997.

Michelle D. Jordan,

Acting Regional Administrator, U.S. EPA, Region V.

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